

REMARKS

In the Office Action dated June 23, 2003, the Office rejected claims 1-6, 15-23 and 32-38 pursuant to 35 U.S.C. 112, second paragraph. The Office indicated that the term "substantially similar" in claims 1, 15, 19 and 32 is a relative term which renders the claim indefinite. The Office noted that the term a "substantially similar" voltage is not defined by the claim; and the specification does not provide a standard for ascertaining the requisite degree. Consequently, one of ordinary skill in the art would not be reasonably appraised of the scope of the invention.

The Office will note that Applicant has amended the Specification and more particularly paragraph [0078] to indicate that a substantially similar voltage would be one which is within less than about 10% of the optimal voltage of the fuel cell.

In view of this amendment to the Specification, Applicant is of the view that this amendment, which does not introduce new matter, obviates the rejection of the earlier claims pursuant to 35 U.S.C. 112. Favorable action with respect to the amended claims as provided herewith is respectfully requested in the next action.

The recent Office Action further rejected other claims of the application pursuant to 35 U.S.C. 102(b) and 35 U.S.C. 103 over the references that have been identified of record.

The Office indicated in the most recent action that claim 7-14, 24-31 and 39-47 are allowed over the art of record. Yet further, the Office indicated that

claims 3-5, 15-18, 21, 22, 33, 37 and 38 would be allowable if rewritten to overcome the rejection set forth under 35 U.S.C. 112, second paragraph and further to include all the limitations of the base claim and any intervening claims.

Applicant has complied with the helpful suggestions of the office and has otherwise amended or changed the dependencies of other claims not earlier deemed allowable in order to place them in condition for allowance.

In view of the amendments to the claims and the holding of the Office in the recent Office Action, it would appear that this application is now in condition for allowance including claims 3-18, 21, 23-31 and 33-47 as provided herewith.

Applicant, by and through their counsel, would request that the Office telephone the attorneys in the event that a further telephone conference could expedite the prompt handling of the present application.


Respectfully submitted,

WILLIAM A. FUGLEVAND

Dated: _____

20 Aug 03

By: _____


George G. Grigel
Reg. No. 31,166